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DOCKET NO. 206-019-01

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REMARKS

Applicants submit a Petition and Fee for a One-Month Extension of Time.

Claims 1-22 are all the claims presently pending in the application. Claims 1-2 are amended to more clearly define the invention. Claims 9-22 have been withdrawn. Of the remaining claims, claim 1 is independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Gardner et al. reference.

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as defined by, for example, independent claim 1, is directed to a system for purchase management based on an administrative standard of purchasing. The system includes an administrative standard specifying unit for specifying, when a purchase request is to be made on a plurality of types of items, the administrative standard of the purchase request according to the expense items representing the category or use of the items defined for each item, by defining useable expense item codes based upon a correlation between a budget control unit for a user and the expense items, an administrative standard specific dividing controller for performing control of dividing the purchase request per administrative standard when the administrative standard specifying unit specifies that the administrative standards of the respective items to which the purchase request was made differ, an administration controller for receiving the purchase request divided per administrative standard and administratively controlling the purchase

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request, a divided ordering controller for performing control of dividing and ordering the purchase request per item specific dealer when the administration controller allows the purchase request, and an order totaling controller for totaling the order data ordered by the divided ordering controller according to the attribute of the expense item of the order.

Conventional purchase management systems make purchases in small amounts, at a high frequency rate, of a large variety of items, of immense quantities, from a large number of sellers. These purchases vary quite often upon the item and or the territory. Therefore, conventional purchase management systems are complicated and require a high human capital investment.

Some conventional purchase management systems attempt to automate portions of the purchasing process. However, with these systems it is difficult for a user desiring to make a purchase to place an order for an item in a manner that satisfies a company's purchase conditions and budget. For example, conventional purchase management systems require a user to have perfect knowledge of the accounting title and expense item for each item that the user desires to purchase. If the user does not have that knowledge, the purchasing process is halted and must be started again and oftentimes requires the effort of an additional person having a duty of providing such accounting title and expense item expertise for the user.

In stark contrast, an exemplary embodiment of the claimed invention provides a system for purchase management that includes an administrative standard specifying unit for specifying, when a purchase request is to be made on a plurality of types of items, the administrative standard of the purchase request according to the expense items representing the category or use of the items defined for each item, by defining useable expense item codes based upon a correlation between a budget control unit for a user and the expense items. In this manner, the claimed invention enables a user to conveniently purchase an item without having a mastery of the expense items for each item which the user desires to purchase. (Page 11, lines 8-23, and page 12, line 18 – page 13, line 28).

II. THE PRIOR ART REJECTION

The Examiner continues to allege that the Gardner et al. reference teaches the claimed invention. Applicants submit, however, that there are elements of the claimed invention which are neither taught nor suggested by the Gardner et al. reference.

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Firstly, despite the insufficiencies of the Office Action, which are detailed below, to further the prosecution of this application, Applicants have again closely reviewed the Gardner et al. reference to address the clear differences between the Gardner et al. reference and the claims.

The Gardner et al. reference clearly does not teach or suggest the features of the claimed invention including an administrative standard specifying unit for specifying, when a purchase request is to be made on a plurality of types of items, the administrative standard of the purchase request according to the expense items representing the category or use of the items defined for each item, by defining useable expense item codes based upon a correlation between a budget control unit for a user and the expense items. As explained above, these features are important for obviating the necessity for a user to be intimately familiar with any of a large number of expense items. Rather, the system defines the useable expense items for the user.

Rather, and in stark contrast, the Gardner et al. reference discloses an electronic requisition and authorization process. The process that is disclosed by the Gardner et al. reference relies upon requisition rules for each company from which a user may submit a requisition request. The requisition rules that are disclosed by the Gardner et al. reference may include an authorization matrix (col. 1, lines 31-34) which dictates the individuals within the company which must approve the request before a purchase order may be generated (col. 3, lines 32-42).

The process that is disclosed by the Gardner et al. reference further appears to disclose a routing engine which may route a requisition through a company in accordance with the authorization matrix. (Col. 3, lines 39-40)

Additionally, the Gardner et al. reference appears to disclose the ability to split the requisition into sub-requisitions (col. 3, lines 4-17).

However, the Gardner et al. reference does not teach or suggest an administrative standard specifying unit for specifying, when a purchase request is to be made on a plurality of types of items, the administrative standard of the purchase request according to the expense items representing the category or use of the items defined for each item, by defining useable expense item codes based upon a correlation between a budget control unit for a user and the expense items.

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Rather, and in stark contrast, the Gardner et al. reference appears to suffer from exactly the same problems which are solved by the claimed administrative standard specifying unit. In particular, the Gardner et al. reference appears to disclose requiring the user to provide an expense item on a requisition. Thus, the Gardner et al. reference clearly requires that the user must be familiar with the expense items.

In stark contrast, the present invention obviates the necessity of a user having perfect knowledge of expense items by providing an administrative standard specifying unit for defining useable expense item codes based upon a correlation between a budget control unit for a user and the expense items.

The Gardner et al. reference clearly does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1-8.

Further, the Examiner's rejection continues to fail to comply with 37 C.F.R. §1.104(c)(2) which requires that "the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." In this case, the Examiner failed to cite the particular portion of the Gardner et al. reference which may have been relied upon.

This failure by the Examiner does not provide the Applicants with adequate opportunity to address the Examiner's understanding of the applied reference simply because the Examiner does not point out where in the Gardner et al. reference that the Examiner believes that the claimed subject matter is disclosed. Absent such a clear indication, the Applicants are denied adequate opportunity to address the Examiner's understanding and are left to hypothesize as to what understanding may be left to the Examiner's imagination, which the Applicants do not have the opportunity to divine.

Should the Examiner continue to allege that the Gardner et al. reference discloses the features of the claimed invention, to assist Applicants' understanding, Applicants hereby respectfully request that the Examiner comply with the requirements of 37 C.F.R. §1.104(c)(2) and MPEP 707.05 by explaining in detail the correspondence between the specific features recited by claims 1-8 and the particular portions of the Gardner et al. reference.

Note that M.P.E.P. § 707.05 states:

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"During the examination of an application or reexamination of a patent, the examiner should cite appropriate prior art which is nearest to the subject matter defined in the claims. When such prior art is cited, its pertinence should be explained." (Emphasis added).

Absent the Examiner satisfying the requirements of 37 C.F.R. §1.104(c)(2) and M.P.E.P. § 707.05, Applicants consider the Examiner's continued rejection to be *prima facie* improper.

Further, the Examiner's continued failure to indicate the particular portions of the applied reference which the Examiner considers corresponds to the specific features of the claimed invention results in another failure by the Examiner to satisfy the burden placed upon the Examiner. In particular, the Examiner has failed to comply with the clear requirements that are set forth in the Manual of Patent Examining Procedure as § 707.07(f) by failing to answer all material traversed.

"Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." (M.P.E.P. § 707.07(f), emphasis added).

Specifically, in the Amendment that was filed on January 9, 2006, the Applicants pointed out that Gardner et al. reference does not teach or suggest the features of the claimed invention including a system for purchase management that includes an administrative standard specifying unit for specifying, when a purchase request is to be made on a plurality of types of items, the administrative standard of the purchase request according to the expense items representing the category or use of the items defined for each item.

Clearly the Examiner has failed to address this traversal. Indeed, the Examiner does not mention anything at all regarding the distinction between the features that are disclosed by the Gardner et al. reference and the administrative standard of the purchase request according to the expense items representing the category or use of the items defined for each item as recited by the independent claims.

Indeed, the Examiner not only fails to address this traversal, but also merely cut and pasted the very same rejection from the October 7, 2005 Office Action into the currently pending Office Action.

The Examiner's alleged significance of the Gardner et al. reference is murky, at best, as the Office Action did not explain the pertinence of these references to the specific

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elements which are recited by the claims being rejected, as required by M.P.E.P. § 707.5. Rather, the Examiner's statement completely fails to address the features of the invention which are recited by the claims.

While the currently pending Office Action includes a section entitled "Response to Arguments," that section fails to answer the substance of the Applicants' traversal. The Examiner's "Response to Arguments" fails to address the fact that the Gardner et al. reference does not teach or suggest the above-identified feature.

Indeed, the Examiner admits that the Gardner et al. reference does not teach or suggest these features. However, the Examiner attempts to brush off this fact by the irrelevant statement that features that are disclosed by a reference "need not be in the identical words as used in the claims to be anticipatory."

Absent any indication by the Examiner of which features are disclosed by the Gardner et al. reference which the Examiner alleges corresponds to the claimed feature, regardless of whether the identical words are used by the Gardner et al. reference, the Examiner's arguments fail.

The Examiner's attempt to allege that certain, unidentified, features that are disclosed by the Gardner et al. reference are not "in the identical words" clearly ignores the requirement that the Examiner is required to give the words of a claim their plain meaning.

"I. THE WORDS OF A CLAIM MUST BE GIVEN THEIR 'PLAIN MEANING' UNLESS THEY ARE DEFINED IN THE SPECIFICATION"

"This means that the words of a claim must be given their plain meaning unless applicant has provided a clear definition in the specification. . . Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say." M.P.E.P. § 2111.01. (Emphasis original).

In the present instance, the Gardner et al. reference does not disclose the features of the claimed invention including the administrative standard of the purchase request according to the expense items representing the category or use of the items defined for each item as recited by the independent claims.

Indeed, the Gardner et al. reference does not disclose this feature in any form, regardless of whether the "identical words" as those used in the claims are used by the Gardner et al. reference.

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The Examiner has not contradicted this fact and ignores the Applicants' traversals on this clear point and, therefore, is required to withdraw this rejection.

Therefore, the Gardner et al. reference does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1-8.

III. FORMAL MATTERS AND CONCLUSION

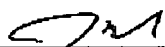
In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-22, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

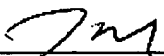
7/28/06

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment After-Final Rejection Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner Gerald J. O'Connor, Group Art Unit 3627 at fax number (571) 273-8300 this 28th day of July, 2006.


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